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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SERGEANT GARY A. STEIN,

Plaintiff,

v.

COLONEL C.S. DOWLING, *et al.*,

Defendants.

Case No. 12-cv-0816 H (BGS)

**PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

TO THE COURT, DEFENDANTS, AND ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that on April 13, 2012 at 9:00 a.m., or as soon thereafter as counsel may be heard, before the Honorable Marilyn L. Huff in Courtroom 13 at the United States Courthouse, 940 Front Street, San Diego, California 92101, Plaintiff will and hereby does move the Court for an order issuing a preliminary injunction against Defendants, pursuant to Federal Rule of Civil Procedure 65(a), prohibiting Defendants and their officers, agents, servants, employees, and attorneys, and anyone in active concert or participation with any of the foregoing persons, from proceeding with any order, directive, or action involuntarily separating Plaintiff from the United States Marine Corps or Armed Forces of the United States. Plaintiff's counsel

1 previously advised the Court and defense counsel on April 6, 2012 that Plaintiff intended to file
2 this motion, and the Court agreed to hear it on an expedited schedule.

3 This motion is based on the memorandum of points and authorities, declaration, and
4 exhibits filed herewith; on all papers, pleadings, records, and files in this case; on all matters of
5 which judicial notice may be taken; and on such other argument and/or evidence as may be
6 presented to this Court at a hearing on this motion.

7 Dated: April 12, 2012

Respectfully submitted,

8 **s/David Loy**

9 David Loy
Attorney for Plaintiff

10 Of counsel:

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